

HUMAN TRAFFICKING

IN THE STATE OF NORTH DAKOTA

2017 REPORT

Attorney General's Human Trafficking Commission
North Dakota Office of Attorney General

TABLE OF CONTENTS

OVERVIEW.....	2
ATTORNEY GENERAL'S	3
HUMAN TRAFFICKING COMMISSION	
COMMISSION MEMBERS.....	3
COMMISSION ACTIVITIES	3
SUBCOMMITTEE OVERVIEW	4
DEMAND REDUCTION PROGRAM	5
TRAFFICKING IN NORTH DAKOTA	6
POLICY AND LEGISLATION	9
CONCLUSION AND ACKNOWLEDGEMENTS	10

OVERVIEW

HUMAN TRAFFICKING IS A FORM OF MODERN DAY SLAVERY.

It is a rapidly growing criminal industry, creating an estimated \$150 billion global profit annually.¹ Human trafficking involves the use of force, fraud and/or coercion for the purpose of sexual exploitation or forced labor. Whereas human smuggling requires movement of people across borders, human trafficking is a distinct and different crime, and does not require movement or transportation of a victim.

As defined under North Dakota and U.S. law, victims of human trafficking can be divided into three populations:

- Children under age 18 induced into commercial sex.
- Adults aged 18 or over induced into commercial sex through force, fraud, or coercion.
- Children and adults induced to perform labor or services through force, fraud, or coercion.²

While human trafficking spans all demographics, there are some circumstances or vulnerabilities that lead to a higher susceptibility to victimization and human trafficking.³ Runaway and homeless youth, as well as victims of domestic violence, sexual assault, war or conflict, or social discrimination are frequently targeted by traffickers. Foreign nationals who have paid significant recruitment and travel fees often become highly indebted to traffickers or other intermediaries. Traffickers control and manipulate these individuals by leveraging the non-portability of many work visas, as well as the victims' lack of familiarity with surroundings, laws and rights, language fluency, and cultural understanding.⁴

Since 2007, the National Human Trafficking Hotline has received over 162,660 calls, web forms, and emails resulting in the identification of more than 36,270 human trafficking cases involving nearly 80,000 victims.⁵ Since 2007, the National Human Trafficking Hotline has received 299 calls from North Dakota, resulting in the identification of 85 cases of human trafficking.⁶

¹ http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_243201/lang--en/index.htm

² 22 USC § 7102(9); NDCC §12.1-41

³ http://www.missingkids.org/en_US/documents/CST_1in6_infographic.pdf;

<https://humantraffickinghotline.org/type-trafficking/labor-trafficking>;

<https://humantraffickinghotline.org/type-trafficking/sex-trafficking>

⁴ <https://humantraffickinghotline.org/type-trafficking/labor-trafficking>

⁵ <https://humantraffickinghotline.org/states>

⁶ <https://humantraffickinghotline.org/state/north-dakota>

ATTORNEY GENERAL'S HUMAN TRAFFICKING COMMISSION

In response to the presence of human trafficking in North Dakota, a Human Trafficking Commission was created by the 64th Legislative Assembly and established within the Office of Attorney General.⁷ The Commission was charged with developing a coordinated and comprehensive plan to provide victims with services; collecting and evaluating data on human trafficking in this state and submitting an annual report to the attorney general, governor, and legislature; promoting public awareness about human trafficking, victim remedies and services, and trafficking prevention; creating a public awareness sign that contains the national human trafficking resource center hotline information, and any state or local hotlines that the coalition deems appropriate; coordinating training on human trafficking prevention and victim services for state and local employees who may have recurring contact with victims or perpetrators; coordinating training on human trafficking investigation and prosecution with the North Dakota state's attorney's association, the North Dakota peace officers standards and training board, and state and local law enforcement agencies.⁸

COMMISSION MEMBERS

The Commission members are appointed by the Attorney General and include representatives from local, state and federal law enforcement agencies, victim service providers, county attorneys, district judges, state agencies, the faith community and the legislature.

COMMISSION ACTIVITIES

2015

The Commission's first meeting was held on August 31, 2015. The Attorney General reviewed the duties of the Commission and members of the Commission provided a comprehensive review of the state's human trafficking laws and scale of the problem of human trafficking in the state. The Commission discussed the need to establish subcommittees in order to plan and implement the specific duties of the Commission. The Attorney General appointed Janelle Moos (*Executive Director, CAWS North Dakota*) and Christina Sambor (*Director, FUSE ND*) as Co-Chairs of the Commission.

2016

The Commission held two meetings (*January and July*). In January, four subcommittees were created: victim services, training, grants, and community awareness & John School Pilot Program (*Demand Reduction Program*). The subcommittees met throughout 2016 to discuss how to: coordinate training on prevention and victim services and the law enforcement and prosecution response to human trafficking; develop a statewide public awareness campaign; establish a lead agency to develop and implement a Demand Reduction Program, and award grants for human trafficking victim treatment and support services.

⁷ N.D.C.C. § 54-12-33

⁸ *Id.*

In July, the Commission hosted members of the USDA Rural Development and Office on Trafficking in Persons Administration for Children and Family Services to facilitate a listening session on human trafficking in rural communities.

Minutes of meetings of the full Commission and its committees are available at <https://attorneygeneral.nd.gov/attorney-generals-office/meetings-attorney-generals-office>.

2017

During the 65th ND Legislative Assembly, the authority and duties of the Commission were narrowed in order to focus on the collection and evaluation of data and to promote public awareness on human trafficking and victim services, training on human trafficking victim services, investigation and prosecution.

SUBCOMMITTEE OVERVIEW

The Commission initially operated with four subcommittees:

1. VICTIM SERVICES

The victim services subcommittee was originally formed to develop a comprehensive and coordinated plan to provide victim services and collecting and evaluating data on human trafficking in this state. The responsibility for the creation of a comprehensive victim service's plan was subsequently assumed by the North Dakota Human Trafficking Task Force, discussed in further detail below. The network of service providers in ND is available here: <https://www.projectfuse.org>

2. TRAINING

The training subcommittee focused on promoting available training on human trafficking prevention, prosecution, and victim services for professionals who may have recurring contact with victims or perpetrators and for human trafficking investigation and prosecution with the North Dakota State's Attorney's Association, the North Dakota Peace Officers Standards and Training Board (*POST*), and state and local law enforcement agencies.

3. GRANTS

The grants subcommittee developed applications for funds available after appropriations from the 64th and 65th ND Legislative Assemblies. The subcommittee reviewed applications in both 2015 and 2017, and recommended appropriations through the Office of Attorney General to provide grant funding for human trafficking victims treatment and support services. Information on the 2015 and 2017 grantees can be found at: <https://attorneygeneral.nd.gov/criminal-justice-resources/grants>

4. COMMUNITY AWARENESS & OFFENDER SCHOOL PILOT PROGRAM

(*Demand Reduction Program, "DRP"*) – the DRP subcommittee worked in conjunction with CAWS North Dakota and the University of Mary to develop curriculum for a Demand Reduction Program. The one day program educates buyers of commercial sex on the link between prostitution and human trafficking, and on the consequences of buyers' decisions on their communities, health and on the survivors. The inaugural program is set to launch in the fall of 2017.

Demand Reduction Program (DRP)

An intermediate sentencing, diversion and education option for offenders.

1. What It Is: This program is designed to reduce recidivism of participants through a sentence and diversion aspect involving an education program.

- Impact of prostitution and sex trafficking on communities, survivors, spouses, and children
- Cost is \$500 for the offender to attend
- Make participants aware of services available in their community for issues specific to DRP

2. Program Curriculum: The program is designed to span over the course of one day, eight to ten hours including lunch break with a total of five sessions. Sessions include:

- Cause of human trafficking — connection between prostitution, trafficking, and criminal activity
- Impacts of human trafficking on the buyer — legal ramifications, medical and health risks of further criminal activity
- Impacts of human trafficking on the victim — connection between their criminal activity and health, psychological, and social impacts on the victim
- Impacts of human trafficking on the community — local, regional, and global aspect
- Developing healthy relationships and communities — conditions of healthy relationships, services available to aid individuals, responsibilities as a member of a community to develop healthy personal attitudes regarding intimacy and sexuality

3. Mission Statement: Improve the health of relationships and communities in our region through educating offenders about the impacts of their action on themselves and others.

4. Goals:

- Make an intermediate sentencing/diversion and education option available for ND offenders charged with purchasing prostitution
- Decrease recidivism of participants through education regarding the impacts of participation in prostitution and sex trafficking
- Make participants aware of services available in their community for issues covered in DRP

5. Locations & Months:

- Programs can be offered in Bismarck, Fargo, Grand Forks, Watford City, and Minot
- Programs will be offered in September, December, March, and June

North Dakota Century Code 12.1-29-07 Offender education program

A sentence for an offense under section 12.1-29-06 or chapter 12.1 - 41 may include an order for the offender to participate in an offender education program on the negative consequences of the commercial sex industry, including health and legal consequences and the impact on communities, survivors, spouses, and children. The court may order the offender to pay the cost of the offender education program.

65th Legislative Assembly. In the summer of 2016, in conjunction with CAWS North Dakota and the Attorney General's Human Trafficking Commission the University of Mary's Criminal Justice Program began working to develop the curriculum for the Demand Reduction Program or as it is more commonly known as "John's school." After completing research on successful programs in other states, the University of Mary settled on the basic framework of the First Offender Prostitution Program in San Francisco and the Breaking Free Program in the Twin Cities. The concept behind this type of intermediate sentencing option is that certain offenders will not reoffend once they more fully understand the impact of their behavior on themselves and others. These programs, and other similar programs, have an average recidivism rate of 1.88%.

CONTACT:

(701) 355-3753 || demandreduction@umary.edu || umary.life/nddemandreduction

Made possible by cooperation from FUSE, CAWS, Youthworks, ND Attorney General's Office, and the University of Mary. The content of the curriculum is the product of this cooperation and is supervised by the Criminal Justice Department at the University of Mary as part of its commitment to a healing justice for the whole community.

TRAFFICKING IN NORTH DAKOTA

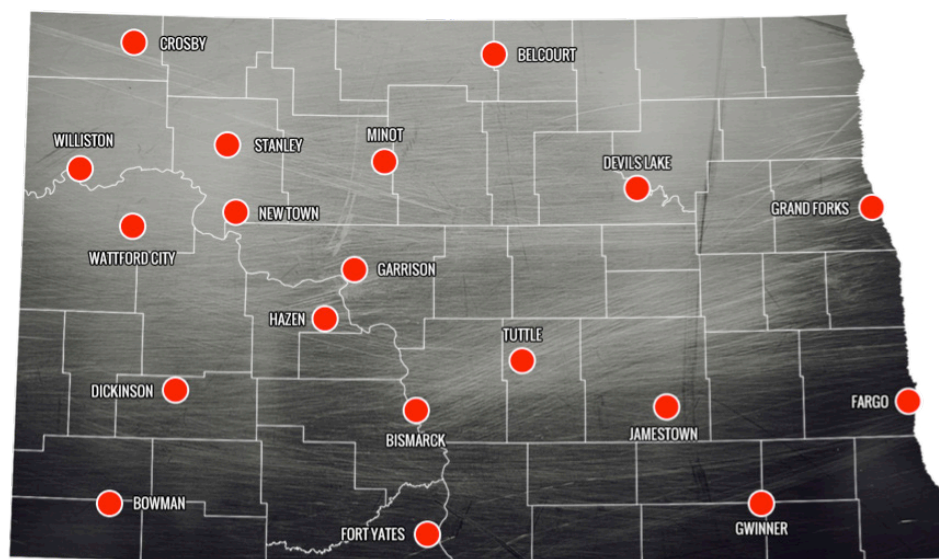
In addition to the foregoing activities, the Attorney General and the Human Trafficking Commission have been working closely with the North Dakota Human Trafficking Task Force (*NDHTTF*) to build a coordinated response to human trafficking in the State. The NDHTTF was founded in late 2015 through a grant from the US Department of Justice. The NDHTTF is a partnership among the Office of Attorney General through the North Dakota Bureau of Criminal Investigation, CAWS North Dakota and the US Attorney's Office in North Dakota. The NDHTTF functions as a supportive network to dozens of organizations and agencies across North Dakota, providing funding support, training and technical assistance, community coordination and data collection. The core of the NDHTTF model involves three components: 1) multi-disciplinary teams across the state (*currently meeting in 9 communities*); 2) a task force Director, navigators and lead law enforcement agents coordinating the activities of the task force; and 3) partner agencies – local law enforcement and victim services providers.

The state funding appropriated during the 2015 and 2017 sessions was a key component to building the NDHTTF. The Attorney General worked closely with the NDHTTF partners to advocate during both legislative sessions for the state's investment in combatting human trafficking. The efforts of the Attorney General, BCI and the NDHTTF partners have resulted in \$2.075 million in state funding during the 2015-2017 and 2017-2019 bienniums.

Agencies across the state used the funding to hire direct service professionals and to provide services to victims of commercial sexual exploitation. The grantee organizations from the last and current bienniums include Youthworks (*statewide*), Legal Services of North Dakota (*statewide*), Domestic Violence and Rape Crisis Center (*Dickinson*), Family Crisis Shelter (*Williston*), Domestic Violence Crisis Center (*Minot*), 4her North Dakota (*Williston*), Rape and Abuse Crisis Center (*Fargo/Moorhead*), YWCA (*Fargo/Moorhead*), Red River Children's Advocacy Center (*Fargo/Moorhead*), and CAWS North Dakota. This list shows that the state's investment is reaching all corners of the state. Such diffuse support is important, because all regions of North Dakota are affected by human trafficking.

In 2016, the NDHTTF had a total of 63 active human trafficking investigations, resulting in the identification of 92 potential victims and in the arrest of 13 individuals for human trafficking-related incidents. Of those 16 individuals, 15 were criminally charged, and 10 ultimately pled or were found guilty. In the same year, the NDHTTF directly served 79 victims of human trafficking. Seventy-five of those victims were U.S. Citizens or legal permanent residents, and four were foreign nationals. Sixty-six of them experienced sex trafficking, three experienced labor trafficking, and nine were victims of both. Twenty-six victims were minors. Clients were trafficked primarily in hotel and private residences, but also in the street, in parking lots, on construction sites, at bars and in bus stations. Through the NDHTTF and its partner agencies, the clients were provided with housing, personal items, financial assistance, medical services, mental health services, advocacy and case managements, emotional and moral support, legal services, protection and safety planning and other services.

The map below highlights communities in North Dakota where victims were located and/or where a trafficking case is known to have occurred. Notably, these communities include: Garrison, Bowman, Gwinner, Bowdon, Hazen/Beulah and Crosby, in addition to larger communities like Bismarck and Fargo. The data collected in 2016 shows that human trafficking is a significant problem in North Dakota. The problem is statewide, and affects rural and urban areas.



The NDHTTF also served clients through technical assistance. Technical assistance is provided when the NDHTTF staff are not working directly with a client, but rather are aiding a non-task force agency that is working with a suspected trafficked person. Technical assistance was provided to other requesting agencies on 277 occasions in 2016. Technical assistance was provided primarily to law enforcement, state or local agencies, and victim service providers, including mental health/substance abuse providers and housing/shelter providers. This resulted in approximately 409 hours of technical assistance provided by the NDHTTF. In addition to direct services, the NDHTTF, primarily through the Human Trafficking Navigators, provided training on human trafficking to over 2,500 professionals across the state. Those trained were primarily mental health/substance abuse providers, educators, state and local law enforcement, victim services providers, foster parents and at-risk youth. The NDHTTF has also continuously brought in experts from around the country to provide training on current and emerging best practices in the field.

There are more people affected by commercial sexual exploitation in North Dakota than current data reflects. Services are frequently refused by people who law enforcement or service providers clearly believe are trafficked. In those cases, service providers and law enforcement can do little more than provide the suspected victims with the contact information of advocates and inform them that services are available for them should they choose to engage. In addition, the NDHTTF is the only statewide organization currently compiling comprehensive data around human trafficking in the State. Therefore, victims served by agencies outside of the NDHTTF may not be reflected in current data. As the NDHTTF continues to grow, its capacity to capture additional data will improve.

POLICY & LEGISLATION

The Attorney General partnered with CAWS North Dakota and FUSE North Dakota, the state's domestic violence and sexual assault, and human trafficking coalitions, to update and overhaul North Dakota's laws on human trafficking and commercial sexual exploitation, and to ensure that funding remains available for service providers and law enforcement. The Attorney General's office led the effort during the 2015 legislative session, helping to usher through ten trafficking-related bills before the North Dakota legislature. The newly passed legislation made sweeping changes to the law. New laws include expungement of prostitution convictions for trafficking victims, increasing the penalties for traffickers recruiting from shelters, increasing criminal penalties for pimping, the decriminalization of prostitution for minor victims known as Safe Harbor, and an appropriation of \$1.25M over two years for direct victim services.

During the 2017 session, the Attorney General, along with the NDHTTF staff, successfully secured \$825,000 for grants to victim service providers. As of the date of publication, applications had been received for the 2017-2019 funding, and recommendations for grant awards submitted to the Attorney General and the Department of Trust Lands.



2015 NORTH DAKOTA

LEGISLATIVE SESSION

2107 UNIFORM ACT ON PREVENTION OF AND REMEDIES FOR HUMAN TRAFFICKING

- Adds restitution for victim,
- Makes the identity of, and records relating to, a victim and the victim's family confidential,
- Creates affirmative defense for victim of human trafficking;
- Provides process to for a victim of human trafficking to vacate and expunge conviction.

2199 HUMAN TRAFFICKING VICTIMS TREATMENT & SUPPORT SERVICES PILOT PROJECT

- \$1M appropriation to the Office of Attorney General to create a human trafficking victims treatment & support services pilot project

2219 HUMAN TRAFFICKING COMMISSION

- Establishes a statewide human trafficking commission within the Office of Attorney General to
 - ♦ Develop a plan to provide victims of human trafficking with services,
 - ♦ Provide training for law enforcement,
 - ♦ Promote awareness of the problem of human trafficking in North Dakota, and
 - ♦ Collect data on human trafficking offenses and victims.
- HB 1176 appropriated \$10M to AGO, of which \$1M was for the purposes of SB 2219

2232 STATUTE OF LIMITATIONS – HUMAN TRAFFICKING

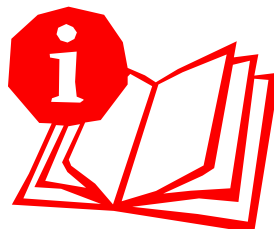
- Provides additional tools to prosecutors by extending the statute of limitations for human trafficking of adult victims to 7 years, and for human trafficking of minor victims to seven years from the time the victim turns 15.

2250 PENALTIES FOR FACILITATING PROSTITUTION

- Removes language referring to prostitutes younger than age 16 and
- Increases penalties for traffickers of minor prostitutes.

1347 DISORDERLY CONDUCT/DEPRIVED CHILD – HUMAN TRAFFICKING

- The bill recognizes minor human trafficking victims as deprived children entitled to the protection and resources of the juvenile court, and
- Adds human trafficking to the definition of disorderly conduct, enabling parents/guardians to seek a restraining order on the victim's behalf.



CONCLUSION & ACKNOWLEDGEMENTS

The Attorney General would like to extend a special thank you to the North Dakota Human Trafficking Task Force and its member organizations, and to FUSE North Dakota and CAWS North Dakota for the tireless work these agencies have dedicated to fighting human trafficking in North Dakota. The Attorney General also thanks Janelle Moos and Christina Sambor for their contributions to this report. Please continue to visit our website for the latest developments in the fight against human trafficking in North Dakota, at: <https://attorneygeneral.nd.gov/public-safety/human-trafficking>

